

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUDITH TRACKWELL,)	
)	
Plaintiff,)	4:05CV3171
)	
v.)	
)	
B & J PARTNERSHIP, LTD., et)	MEMORANDUM AND ORDER
al.,)	
)	
Defendants.)	
)	

Plaintiff's counsel has filed a Request for Copy of Affidavits Filed under Seal, filing 59. Filing 59 states that plaintiff has discovered that the sets of copies of the affidavits she reserved for service upon opposing counsel are missing multiple pages, apparently due to a problem with the feeder mechanism on the copier used. The defendants' opposition to the plaintiff's motion to file a reply brief states that the "Defendants have yet to see the sealed filings made by Plaintiff on December 8, 2005 (Filings 56 & 57). . . ." Filing 61 at p.2. The court notes that filing 56 (plaintiff's brief) contains a certificate of a certificate of service which certifies that on the 8th day of December, 2005, plaintiff's counsel "served a copy of the above and foregoing upon the Defendants by herein by delivering a copy of the same to" defendants' counsel at their mailing addresses. The index of evidence filed by plaintiff's counsel contains no certificate of service. The documents were, by court order, filed under seal and cannot be viewed by the parties through the court's Electronic Case Filing system.

To avoid any further confusion and assure that all parties have true and accurate copies of the filed record before the

court, the court will mail copies of filings 56 and 57 to all parties of record.

IT THEREFORE HEREBY IS ORDERED,

1. The plaintiff's motion for leave to obtain copies of the evidence she filed, filing 59, is granted, and the clerk shall mail copies of filings 56 and 57 to all parties of record. In all other respects, filings 56 and 57 shall remain under seal.

2. The plaintiff's motion for leave to amend, and leave to add additional parties, filing 36, and the defendants' motion to disqualify plaintiffs' counsel, filing 43, are deemed fully submitted, and no further filings shall be made related to these motions without leave of the court for good cause shown.

3. The proceedings in this case are stayed pending the court's ruling on defendants' motion to disqualify.

DATED this 9th day of December, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge